

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on May 19, 2009.

Mayor David W. Cline presided and called the meeting to order at 6:30 p.m.

Mayor Cline led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: Absent Commissioner Randy Ervin, YEA Commissioner Tim Gover, YEA Commissioner Rick Hall, YEA Commissioner Chris Rankin, YEA Mayor David Cline.

Also physically present were City personnel: City Administrator Alan Gilmore, Attorney & Treasurer J. Preston Owen, Public Works Director David Wortman, Fire Chief Mike Chism, Assistant Fire Chief Andy Adair, Police Chief David Griffith, Tourism Director Angelia Burgett, Community Development Coordinator Kyle Gill (6:46 p.m.), and City Clerk Susan O'Brien.

Mayor Cline seconded by Commissioner Rankin moved to approve the consent agenda consisting of minutes of the regular meeting May 5, 2009; Police Department Report for the month of April, 2009; payroll and bills for the first half of May, 2009.

Bills and Payroll for first part of May, 2009

General Fund

Payroll		\$	302,514.29
Bills		\$	<u>83,519.83</u>
	Total	\$	386,034.12

Hotel Tax Fund

Payroll		\$	2,014.83
Bills		\$	<u>4,172.81</u>
	Total	\$	6,187.64

Festival Management

Bills		\$	<u>3,681.00</u>
	Total	\$	3,681.00

**Insurance & Tort
Judgment**

Bills		\$	<u>6,141.51</u>
	Total	\$	6,141.51

Capital Project Fund

Bills		\$	<u>12,205.53</u>
	Total	\$	12,205.53

Water Fund

Payroll		\$	35,145.62
Bills		\$	<u>337,631.61</u>
	Total	\$	372,777.23

Sewer Fund

Payroll		\$	34,956.91
Bills		\$	<u>33,806.69</u>
		\$	68,763.60

Total

Cemetery Fund

Payroll		\$	4,184.12
Bills		\$	<u>2,188.78</u>
	Total	\$	6,372.90

Health Insurance

Bills		\$	<u>108,756.63</u>
		\$	108,756.63

Total

Motor Fuel Fund

Bills		\$ 1,489.64
	Total	\$ 1,489.64

Mayor Cline declared the motion to approve the consent agenda carried by the following vote: Absent Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline opened the floor for public discussion.

Mr. Rick Conley – V.P. of Operations for Regis Property Management presented the Cross County Mall's Plan renovations, including a, fountain and skylight area; updated anchor leases; and, commencing of parking lot renovations around June 15th. Council and attendees inquired about a variety of issues surrounding the renovations.

Ms. Joyce St. Michael inquired about salvaging the sidewalk bricks instead of selling them. Director Wortman explained the proposed Council Decision Request 2009-969 for the sale of sidewalk bricks. Ms. Jackie Record suggested using the sidewalk bricks for the Depot parking lot and plaza.

There was no further public discussion.

Commissioner Hall seconded by Commissioner Gover moved to approve Council Decision Request 2009-966, awarding the Fire Department Exhaust Removal System bid to Nederman, Inc. [Midwest Air Pro, Inc.] in the amount of \$74,000 from USFA/FEMA Assistance to Firefighters Grant; and authorizing the Mayor to sign all documents with regard to its purchase.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: Absent Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Hall seconded by Commissioner Rankin moved to approve Council Decision Request 2009-967, approving a \$2,000 grant by the Tourism Advisory Committee from hotel/motel tax funds to Mattoon Area Family YMCA for hosting the October 4, 2009 YMCA Last Chance Triathlon.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: Absent Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Hall seconded by Commissioner Gover moved to approve Special Ordinance 2009-1335, ratifying the employment agreement with Michael L. Chism for the position of Fire Chief.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2009-1335

**AN ORDINANCE RATIFYING THE EMPLOYMENT AGREEMENT OF
MICHAEL L. CHISM FOR THE POSITION OF FIRE CHIEF**

WHEREAS, the City of Mattoon enters into employment agreements with member of its managements team; and,

WHEREAS, the employment agreement with Fire Chief Michael L. Chism was extended by the Mattoon City Council on May 5, 2009 and the Council now wishes to replace that extension with a full contract; and,

WHEREAS, The parties wish to memorialize the terms of Fire Chief Chism's continuing employment with the City.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, A MUNICIPAL CORPORATION, as follows:

Section 1. The City Council hereby approves an Employment Agreement with Michael L. Chism for the position of Fire Chief, a copy of which is attached hereto and incorporated herein by reference.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Hall, seconded by Commissioner Gover, adopted this 19th day of May, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Gover, Commissioner Hall,
Commissioner Rankin, Mayor Cline

NAYS (Names): None

ABSENT (Names): Commissioner Ervin

Approved this 19th day of May, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:
/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

APPROVED AS TO FORM:
/s/ J Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on May 20, 2009.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: Absent Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Hall seconded by Commissioner Rankin moved to approve Special Ordinance 2009-1336, ratifying the employment agreement with Robin "Andy" Adair for the position of Assistant Fire Chief.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2009-1336

AN ORDINANCE RATIFYING THE EMPLOYMENT AGREEMENT OF ROBIN "ANDY" ADAIR FOR THE POSITION OF ASSISTANT FIRE CHIEF

WHEREAS, the City of Mattoon enters into employment agreements with member of its managements team; and,

WHEREAS, the employment agreement with Assistant Fire Chief Robin "Andy" Adair was extended by the Mattoon City Council on May 5, 2009 and the Council now wishes to replace that extension with a full contract; and,

WHEREAS, The parties wish to memorialize the terms of Assistant Fire Chief Adair's continuing employment with the City.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, A MUNICIPAL CORPORATION, as follows:

Section 1. The City Council hereby approves an Employment Agreement with Robin "Andy" Adair for the position of Assistant Fire Chief, a copy of which is attached hereto and incorporated herein by reference.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Hall, seconded by Commissioner Rankin, adopted this 19th day of May, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Gover, Commissioner Hall,
Commissioner Rankin, Mayor Cline
NAYS (Names): None
ABSENT (Names): Commissioner Ervin

Approved this 19th day of May, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:
/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

APPROVED AS TO FORM:
/s/ J Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on May 20, 2009.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: Absent Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Rankin moved to approve Special Ordinance 2009-1337, approving a variance to the sign code of the municipality on real estate owned by John R. Roytek located at 913 Charleston Avenue.

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2009-1337

AN ORDINANCE APPROVING A VARIANCE TO THE SIGN CODE OF THE MUNICIPALITY ON REAL ESTATE OWNED BY JOHN R. ROYTEK, LOCATED AT 913 CHARLESTON AVENUE

WHEREAS, there was filed with the Community Development Coordinator of the City of Mattoon, County of Coles, Illinois, a certain Petition by John R. Roytek, of Dairy Queen Brazier, praying that variance be granted from requirements of the sign code of the municipality on real estate described as:

913 Charleston Avenue, a.k.a. Dairy Queen Brazier

WHEREAS, said Petition was reviewed by the Community Development Coordinator and recommended to the City of Mattoon Planning Commission; and

WHEREAS, said Petition was submitted to the Planning Commission for their recommendation on May 11, 2009; and

WHEREAS, said Petition was considered by the Planning Commission on May 11, 2009; and was recommended by a majority vote, that the Petition be allowed, and that a variance be granted from the maximum height requirements of the sign code and to replace an existing sign with a new sign logo, at the same height.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. A variance is hereby granted from requirements of the sign code as authorized by Section §160.13 of Chapter 160 of the Code of Ordinances of the City of Mattoon for real estate described as 913 Charleston Avenue, a.k.a. Dairy Queen

Brazier, to allow the replacement of an existing sign, without modifying the existing pole structure to comply with the 25 feet tall maximum height.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Cline, seconded by Commissioner Rankin, adopted this 19th day of May, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Gover, Commissioner Hall,
Commissioner Rankin, Mayor Cline
NAYS (Names): None
ABSENT (Names): Commissioner Ervin

Approved this 19th day of May, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:
/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

APPROVED AS TO FORM:
/s/ J Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on May 20, 2009.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: Absent Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Rankin seconded by Commissioner Hall moved to approve Special Ordinance 2009-1338, authorizing an extension of the current Kinzel Field lease between the City of Mattoon and Community Unit School District #2; and authorizing the Mayor and City Clerk to sign the Agreement for Extension of Lease.

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2009-1338

AN ORDINANCE AUTHORIZING AN EXTENSION OF THE CURRENT LEASE BETWEEN THE CITY OF MATTOON AND COMMUNITY UNIT SCHOOL DISTRICT NO. 2, COLES AND CUMBERLAND COUNTIES.

WHEREAS, there is currently a lease between the City of Mattoon and Community Unit School District No.2, Coles and Cumberland Counties for the 7.72 acres of land commonly know as Kinzel field, and;

WHEREAS, the lease, which was entered into by authorization of the City Council under Ordinance No. 89-4594, began on January 10, 1989 and expired on January 10, 2009, and;

WHEREAS, the City and School District are in the process of determining the best use for the property, but are not ready to enter into any further agreements at this time, and;

WHEREAS, the form of the Agreement for Extension of Lease is attached hereto as Exhibit "A" and incorporated in this Special Ordinance by this reference.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, A MUNICIPAL CORPORATION, as follows:

Section 1. The Mayor is hereby authorized to execute the Agreement for Extension of Lease and any and all other documents necessary to carryout the extension of the Lease until January 10, 2011.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Upon motion by Commissioner Rankin, seconded by Commissioner Hall, adopted this 19th day of May, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Gover, Commissioner Hall,

NAYS (Names): Commissioner Rankin, Mayor Cline
ABSENT (Names): None
Commissioner Ervin

Approved this 19th day of May, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:
/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

APPROVED AS TO FORM:
/s/ J Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on May 20, 2009.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: Absent Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Gover seconded by Commissioner Hall moved to approve Special Ordinance 2009-1339, authorizing the Mayor to sign an outright grant agreement by and between the City of Mattoon and John R. Armstrong reimbursing up to \$8,100.00 from available Mid-town TIF revenues over a three-year term for replacement of façade exterior surfaces to a building located at 1913 Western Avenue.

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2009-1339

AN ORDINANCE APPROVING A GRANT AGREEMENT BY AND BETWEEN THE CITY OF MATTOON, ILLINOIS AND JOHN R. ARMSTRONG IN CONNECTION WITH THE MATTOON MID-TOWN REDEVELOPMENT PROJECT AREA

WHEREAS, John R. Armstrong (the "Grantee"), has submitted a proposal to the City of Mattoon, Illinois (the "Municipality") for redevelopment of a part of the Municipality's Mattoon Mid-town Redevelopment Project Area (the "Redevelopment Project Area"); and, thereafter, the Municipality and the Grantee have engaged in negotiations related to a Grant Agreement (including all exhibits and attachments in connection therewith, the "Grant Agreement") concerning redevelopment incentives and assistance related to the preservation, development and redevelopment of a part of the Redevelopment Project Area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The Grant Agreement, in substantially the form thereof presented before the meeting of the City Council at which this ordinance is adopted, shall be and is hereby ratified, confirmed and approved, and the Mayor and City Clerk are authorized to execute and deliver the Grant Agreement for and on behalf of the Municipality; and upon the execution thereof by the Municipality and the Grantee, the appropriate officers, agents, attorneys and employees of the Municipality are authorized to take all supplemental actions, including the execution and delivery of related supplemental opinions, certificates, agreements and instruments not inconsistent with the Grant Agreement, desirable or necessary to implement and otherwise give full effect to the Grant Agreement. Upon full execution thereof, the Grant Agreement shall be attached to this ordinance as EXHIBIT "A".

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Gover, seconded by Commissioner Hall, adopted this 19th day of May, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Gover, Commissioner Hall,
Commissioner Rankin, Mayor Cline
NAYS (Names): None
ABSENT (Names): Commissioner Ervin

Approved this 19th day of May, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

APPROVED AS TO FORM:

/s/ J Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on May 20, 2009.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: Absent Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline moved to approve Special Ordinance 2009-1340, declaring certain personal property owned by the municipality surplus; authorizing the sale of the surplus property; and accepting the proposal from Gavin Historic Bricks of Iowa City, Iowa for brick sidewalk removal.

Special Ordinance 2009-1340 died for lack of second.

Commissioner Rankin seconded by Commissioner Hall moved to approve Council Decision Request 2009-968, approving the vendor contract for participation in the Farmers Market at Peterson Park.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: Absent Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Rankin seconded by Commissioner Gover moved to approve Council Decision Request 2009-969, approving the bid specifications and authorizing the solicitation of bids for the tuck pointing of the Public Works Labor Pool building located at 216 N. 12th Street.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: Absent Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Gover moved to recess to closed session at 7:01 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1)).

Mayor Cline declared the motion carried by the following vote: Absent Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Council reconvened 7:41 p.m.

Commissioner Gover seconded by Commissioner Hall moved to adjourned 7:41 p.m.

Mayor Cline declared the motion carried by the following vote: Absent Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

/s/ Susan J. O'Brien
City Clerk